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HOUSE BILL 727

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Richard D. Vigil

AN ACT

RELATING TO UTILITIES; REQUIRING NOISE AND FUME OR EXHAUST
ABATEMENT ON EQUIPMENT LOCATED IN RESIDENTIAL AREAS; DECLARING
AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Public Utility Act is
enacted to read:

"NEW MATERIAL UTILITY EQUIPMENT-- NOISE AND FUME OR
EXHAUST ABATEMENT REQUIRED. --

A. A public utility shall not store or locate
equipment in a residential area if the equipment creates a
public nuisance.

B. If a public utility cannot move equipment that
creates a public nuisance, it shall provide noise and fume or
exhaust abatement or enclose and ventilate the equipment in

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 such a way that the public nuisance is eliminated.

2 C. A person who believes that a public utility has
3 created a public nuisance in a residential area shall notify
4 the public utility in writing and request that the utility
5 eliminate the public nuisance.

6 D. A person may bring a cause of action for a
7 temporary restraining order or preliminary or permanent
8 injunction to require a public utility to remove a public
9 nuisance.

10 E. As used in this section, "public nuisance" means
11 noise pollution; noxious or irritating fumes or exhaust; or
12 machinery or equipment that is not commonly visible in a
13 residential area. "

14 Section 2. EMERGENCY.--It is necessary for the public
15 peace, health and safety that this act take effect immediately.